G. R. S. IX-5]

Previous references.

1874-75
~~191~~
(Courts

File No

Serial Nos. 1—3

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—3

Part B for Apl 75

SUBJECT.

Transfers of the jurisdictions of the Municipls

W D 88—GPB—50,000—24-7-16

I
9/11/84

1875/76.

From The Offg Secretary Commissioner of Ajmere.

To

Secretary to Chief Commissioner,
General Department.

Courts
2-07-1876
1

Dated 2nd April 1875.

Despatched 8th "

Received 9th "

ENCLOSURES NO. 2.

General No. 2930 1875

No.

Forwarded for the consideration and orders of the Chief Commissioner, copies of certain letters from the Commissioner of Ishtakoom, relative to the question of jurisdiction therein mooted.

Sub-Asst Chief Commr Sanchor

10/4

Judicial Comr's
suggestion approved
and sanctioned

15/4

15/4/75

No 29

Mysore Jud. Commrs. Office
Bangalore 2nd April 1875.

From

H. J. Prinsep Esquire
Offg. Jud. Commissioner
in Mysore

To

The Secretary to the
Chief Commissioner
of Mysore

Sir,

I have the honor to forward, for the consideration and Orders of the Chief Commissioner, Copies of letters noted in the margin† from the Commissioner of the Ashtagram Division, and with reference to the question of jurisdiction therein mooted, to observe that the effect of the Notifications already issued by the Chief Commissioner is to continue the Civil jurisdiction of the Deputy Commissioners and Judicial Assistants of Mysore and Hassan over their respective Districts. It is however advisable to make their jurisdiction conterminous with that of the Moon

No. 343 dy 25th March 1875 with copy of letter No 14 dy 4th Idem from the Judicial Assistant Hassan.
No 341 dy 25th March 1875 (Para 1 and 3) with copy of Para 4 of letter No 1144 dy 14th Idem from the Judl. Asstt. of Mysore.

siffs in their Districts.

The latter part of the draft Notification submitted is necessary, because, when the Court of the Pathully Judicial Assistant was abolished, the Salukis subject to that Court were not formally transferred to the jurisdiction of the Mysore Judicial Assistant and there is therefore a flaw in his jurisdiction.

I have the honor to be

Sir,

Your most Obedt. Servt.

Offg. Judl. Commissioner

I P

Draft Notification

Adverting to the Chief Commissioners Notifications of the 9th December 1874 and 9th January 1875, regarding the establishment of Moonsiffs' Courts in the Astagram Division, published respectively in the Mysore Gazettes of the 12th December and the 16th January last, the following changes of jurisdiction are hereby Notified for general information and guidance, with effect from the 15th Instant.

For all purposes connected with Civil Administration, the whole of the Kagamangala Taluk and the Atticuppah Taluk with the exception of the Kikeri Hobli, in the Hassan District, shall be considered to form a part of the Division of the Munsiffs' Court established at Mandaya in the Mysore District. Similarly, the Hoblies of Bhowapatna, Krishnarajshaut, and Hanasuga in the Arkulgode Taluk in the Hassan District

shall be considered a part of the Sub Divi-
sion of the Munsiffs' Court established
at Hunsur in the Mysore District. The
jurisdiction - original and Appellate - over the
portions of the Hajoan District above named
shall vest in the proper Courts of the
Mysore District, and the jurisdiction of the
Deputy Commissioner and Judicial Assistant
of the latter District shall, in addition to
the whole of that District, extend over the
parts of the Hajoan District above specified,
and that of the Deputy Commissioner and
Judicial Assistant of Hajoan shall extend
only over the remaining portion of the
Sahtagram Division.

Draft.

Offg Jud. Commissioner,

2d April
1875

L.P.

Nolitagram Commrs Office

No. 373.

To

The Judicial Commissioner
of Mysore.

Dated Mysore 25th March 1875

Sir,

I have the honor to forward for your information copy of a letter No 17 dd 2nd March 1875 from the Judicial Assistant of Nagara, and to request your instructions on the point therein alluded to.

2. I am of opinion that the Rules on the subject of the Reorganization of the Civil Courts in this Division do not in any way alter or modify the territorial jurisdiction of the Judicial Assistants with regard to original Suits, and I have therefore, in anticipation of your orders, directed the Judicial Assistant of Nagara to dispose of the suit pending on the file of his Court at an early date. It occurs, however, to clear all doubts on the subject, I request that should you concur, you will cause a Notification to be published in the Mysore Gazette.

I

I have the honor &c.

(Signed) A. C. Kay.

Commissioner of the

Ashtagram Division

Judl. Asstt Commissrs Office

Nagoor District.

2d March 1875

No. 17.

To

The Commissioner of the

Ashtagram Division

Sir

A suit filed on the 6th Febry last of the pecuniary value of Rupees 350 came on today for hearing in the course of which it was evident that the Defendant is a Resident of Kainmbodi and the cause of action arose at A R Rihebhaul both attached to the Atticoppa Palook coming under the jurisdiction of the Munsiff of Mandya under the terms of the Notification of the Chief Commissioner dated 9th December 1874 published in Page 321 of the Mysore Gazette.

2. The Notification having expressly fixed the territorial jurisdiction of the Munsiffs in modification of the Rules dated 13th April 1869, without touching upon the

jurisdiction of the judicial Assistants, the Vakeels who appeared in the case allowed that this Court has jurisdiction to hear the suit. But as it is a principle of law that the consent of parties does not give a Court jurisdiction which it hath not, and as I am afraid that any proceedings I may take in the case will be coram non judice I deemed it necessary to submit the matter for your orders or for submission to the higher authorities if necessary.

3. The Court of the judicial Assistant was originally constituted under the Notification of 13th April 1869. In para 3 of the Rules which accompanied the Notification, the territorial jurisdiction of the Dy Commissioner and Judicial Assistant were declared to extend throughout the District. The whole of Nagannagala and the Attiecopa Palookoo with the exception of the Kiteri Hobly and certain Hobbies in the Ambulgoda Palook still form a part and parcel of the Kajoan District for all Administrative purposes. The recent Notification of the Chief Commissioner constituting Koonsiggo Courts in this Division declares in substance that the Rules of 13th April 1869, have been modified inter alia by giving appel-

Scale and enhanced pecuniary jurisdiction to the Judicial Assistants and fixing the territorial jurisdiction of the Moonsiffs newly appointed. The Division of the District, so far as the territorial jurisdiction of the Moonsiffs is concerned may lead to the inference that the jurisdiction of the other Superior Courts was untouched. But as it struck me at the same time that, on the score of inconvenience, it could not have been intended that the Attiecoppa and Nagamangala Taloks should be subject to two different Districts according to the pecuniary limit of suits litigated, and that Appeals from Mundsiffs Decisions should lie to two different District Courts, I have made the Reference in view to a Rule being made clearing all existing doubts and consequent inconvenience to suitors.

1. The District declaration of the Chief Commissioner in Para 7 of the Notification of 19th February 1875 published in Page 61 of the Mysore Gazette dated 27th February 1875, Regarding the constitution of Courts in the Nagara Division shows that the same Principle of arrangement would have been followed Regarding this Division, and I would beg to suggest

that publication of a Notification in the Gazette solving the doubt will be attended with advantage. Pending your instructions the case has been adjourned to 22nd Inst. and early instructions are solicited.

I have the honor to be &c.
(Signed) V.K. Virumalachariar
Judicial Asstt Commissioner
Basavan District.

Copy
(Signed) C. Soob Row
for Commissioner.
Ashtagram Division

Ashtagram Commrs Office
No. 371.

To.
The Judicial Commissioner
of Mysore.
Dated Mysore 25th March 1875.

Sir,

I have the honor to request your instructions on the points alluded to in the accompanying copy of letter from the Judicial Assistant of the Mysore District No. 1751 dated 17th March 1875.

× × ×

3. Adverting to para 4 of the letter it appears to me that the Rules regarding

the re-organization of the Civil Courts have reference only to the jurisdiction of the Moonsiffs, and do not in any way modify the territorial jurisdiction of the Judicial Assistants in original suits. In regard to Appeals from the decrees in suits arising from those portions of the Taloo Ks of Attiecoopha and Arkulgode which are now within the jurisdiction of the Moonsiffs in the Mysore District, it is desirable that they should lie to the Deputy Commissioner of the Mysore District, so as to make those Moonsiffs amenable to one Deputy Commissioner instead of two, and if this view is correct, I request that the Chief Commissioner may be moved to cause a Notification to be published accordingly in the Mysore Gazette.

I have the honor to be &c

(Signed) A. C. Hay.

Commissioner of the
Ashtagram Division

No 174

To

The Commissioner of the
Ashtagram Division

Judl. Asstt Commrs Office
Mysore District
17th March 1875

4 I also beg to be informed whether that portion of the Atticoopa Taloo R which is attached to the Mundya Moonsiffs Court and that portion of the Ar Pulgode Taloo R which is attached to the Hoonsoor Moonsiffs Court are to be considered as within the original and appellate jurisdiction of this Court, or of that of the Hassan Judicial Assistant.

I have the honor to &c.

Signed J. Lacey

Ind.l Assistant

Mysore District

Copy

Signed A.C. Hay

Commissioner

Ashtagram Division

Copies

Dpty Judicial Commissioner

A.P.

M 106

1875 . 76.

From The Offg. Judl. Commissr. in Mysore

To

Secretary to Chief Commissioner,
General Department.

Courts
1874
2

Dated 30th April 1875.

Despatched 5th May

Received 5th May

ENCLOSURES NO.

General No. 317 } 1875.
No. 37

Forwards for approval and for publication in the Official Gazette a draft Notification transferring the Mulbagal Taluk to the Jurisdiction of the Kolar Munsiff and changing the present Head Quarters of the Biddadi Munsiff. Also forwards a Note regarding a system of Circuit Courts for the Munsiffs in the Nundy droog and Hagari Divisions.

may be approved, but the date of the ~~first~~ transfer of the Mulbagal Taluk must be changed to 1st July instead of 1st June. I quite concur with the Judicial Com.r in considering for the reasons stated that no extension of the pecuniary jurisdiction of the Munsiffs is advisable ~~at~~ present

Draft Letter to Offg Judl Commr 1/6

Noted 2-6-75. HR 4/6/75

The new Circuit Stations are similar to those in the Bangalore and Kolar Districts, and are subject to the same remarks, in regard to the pecuniary jurisdiction of the Munsiffs. One result of such a change will be to increase the work of the Head Assistant Commr, several of whom has already been withdrawn from small purposes by the creation of the Munsiffs.

Copy Comm 7/5

The two Notifications

No. 311/94

Mysore Judl. Commr's. Office
Bangalore 30th. April 1894

From,

W. S. Grimsey Esqre.
Offg. Judicial Commissioner of
Mysore

To,

The Secretary to the
Chief Commissioner of Mysore

Sir,

Adverting to this Office letter No. 2262/249 dated the 4th February last, I have the honor to forward herewith, for the Chief Commissioner's approval and for publication in the Official Gazette, a draft Notification transferring the Moulbagal Taluk to the jurisdiction of the Kolar Munsiff, and changing the present Head Quarters of the Bidadi Munsiff. This latter arrangement is recommended because Closepett is centrically situated with regard to No. III Sub Division, whereas Bidadi, the present Head Quarters, is at one end of it.

not in file

I

I enclose also for the Chief Commissioner's information, copy of a Notification which I propose to issue regarding a system of Circuit Courts for the Munsiffs in the Anmalydroog and Nagar Divisions. For the Ashtagram Division a system of circuits has already been provided by Mr. Gordon's Notification of the 9th March last.

2. Regarding the proposed enhancement of the pecuniary jurisdiction of the Anmalydroog Division Munsiffs, the opinions of the Commissioner and Deputy Commissioner have been received. In the letter under reference, Mr. Gordon has expressed himself as being strongly in favor of the proposed extension. The Officiating Commissioner is of opinion that any enhancement of jurisdiction will unduly increase the work of the Munsiffs Courts. The Officiating Deputy Commissioner of Bangalore (Mr. Ricketts) is in favor of the change but the Deputy Commissioner of Kolar would limit the ordinary jurisdiction to Rs 500. The Deputy Commissioner of

of Gunter has not given a definite opinion in the matter.

3. I observe that the Chief Commissioner is not inclined to an universal increase of jurisdiction but is prepared to grant this extension only in the case of specially selected officers. I regret that, having only recently come to this Province, I am at present without experience as to the individual merits of these officers, and I am therefore unable to make the selection contemplated. I have however carefully considered the state of their files, and I am of opinion that, generally, they have already quite as much work as they can properly get through while some of them (the Dumbiffs of Bangalore and Chintamoney) are unable to keep pace with their work. It seems therefore undesirable to over burden these Officers so as to impair their efficiency when no very serious fault can, at present, be found with our Judicial machinery.

4. I beg further to remark that Munsiffs have been appointed in the Nundydroog Division only about two years ago,

and that sufficient time has hardly yet passed to enable any proper estimate to be formed of the average amount of work which will come before these offi-cers, for experience has everywhere shown that as such institutions have become more known and appreciated, the pub-lic have resorted to them more frequent-ly and with greater and renewed confidence, so that on these grounds alone I should prefer to have some further experience before any alterations are carried out. Delay would also place it in our power to watch the result of the recent Esta-blishment of Munsiffs Courts in the other Divisions of this Province, and in conclusion I would state that judging from what has come before me during my service in Bengal, I am of opinion that the conferring of final jurisdiction in small causes up to 50 Rs on Officers with the limited experience of these Munsiffs, stationed at a distance from Head Quarters and from any intelligent expression of public opinion, is a measure

which

which appears to me to be scarcely as
yet united to a province like Guyana.

I have the honor to be
Sir
Your Most Obed.t Servant

Off.g Jud.l Commissioner

J.P

Draft Notification.

The Taluk of Mulbagal in the Kolar District is hereby transferred from the jurisdiction of the Munsiffs Court at Chintamani to that of the Court at Kolar from the 1st ~~June~~ July 1875.

The Head Quarters of the Munsiffs' Court of the N.° III Sub Division of the Bangalore District, will from the same date be at Closepett instead of at Bidadi.

H. Sturt

Offg. Ind.l Commissioner

S.R

Notification

With a view to remedy, as far as possible, any inconvenience which may be occasioned to parties and witnesses in Civil suits, owing to the great distance of the head-quarters of some of the Munsiffs Courts from the different parts of their jurisdiction, the following arrangements have been made with the approval of the Chief Commissioner for providing a system of Circuit Courts in the Nandidroog and Nagar Divisions and they are hereby published for the information and guidance of the public and the officers of the Government concerned; similar instructions with regard to the Courts of the Ashtagram Division having already been issued in Notification dated 9th March 1875, published at page 126 of the Mysore Gazette of the 13th Idem.

1.- Every Munsiff's Court established in the Nandidroog and Nagar Divisions with

(with the exception of the Courts at Bangalore, Yelhanka, and Chinda-manni the former Division which will always be at their Head-quarters) shall once in six or four months as specified below, hold its Court at each of the undermentioned places within its jurisdiction during the months hereunder noted against each place.

Names of Districts	Head quarters of Munsiffs Courts	Places fixed for Circuit Courts	Months during which the Circuit Courts should be held
Bangalore	Closepett	Maggadi	April, August and Dec.
Kolar	1 Kolar	Mulbagul	Do.
	2 Chik Ballapur	Goodibunda	Do.
Tumkur	1 Kortigere	Sirah	Do.
	2 Turuvekere	Kunigal	Do.
Shimoga	1. Shimoga	1 Thirthahulli	May and November
		2 Chennagiri	February and August
	2. Anandapur	1 Sagar	February and August
		2 Sagar	May and November
	3. Shikarpur	1 Sirah	February and August
		2 Nyamati	May and November
Chittledroog	1 Chittledroog	1 Hiriyur	February and August
		2 Hosadroog	May and November
	2 Davangeray	Jaggaluh	January, May & Sept.
	3 Chalakere	1 Molkalmuru	May and November
		2 Pavagoda	February and August
Kadur	1 Chickmugher	1 Balahonnore	May and November
		2 Narikarpur	June and December
	2 Kadur	1 Banavar	February and August
		2 Lakkavalli	May and November

2. The Circuit Courts [illegible] above mentioned places shall be opened on the first Monday of the month appointed as above for a circuit at that place, but when the first Monday is an authorized holiday, then the court may be opened on the next working day.

3. These Circuit Courts shall ordinarily be held for a space of one month and shall be devoted to the disposal of such suits and other matters as may arise within and about the area hereunder specified in the case of each circuit Court.

Circuit Courts	Approximate limits of area to which the work of each Circuit Court must ordinarily be confined
Nagadi	Nagadi Talook
Melbagul	Melbagul Talook and the northern part of the Bedmangal Talook
Gudibanda	Gudibanda and Goomanaikenpalliam Talook and the northern part of the Goribidnore Talook.
Sira	Seera Talook and the North Western portions of the Korrigeray and Maddagiri Taluks.
Kunigal	Kunigal Talook and the southern portion of the Kadab Talook.
Shirthahalli	Kowlidroog Talook
Channagiri	Channagiri Talook
Sagar	Sagar Talook
Nagar	Nagar Talook
Sorab	Sorab Talook

Nyamadi	The Eastern part of the Shirkarpur Sub Div^n
Kosadroog	The Kosadroog Talook, part of the Bndihal Talook and the south Eastern parts of the Hiriyur Talook.
Hiriyur	The rest of the Hiriyur Talook
Jagalur	Kantuppa Talook
Holkalmuru	Holkalmuru Talook
Pavagada	Pavagada Talook
Ballay honnore	The middle portion of the Chickmagalur Sub Div^n
Sarikarpura	Koppa Taluk and parts of the Lakkavalli Talook
Lukkavalli	Sarikere Taluk & parts of the Lakkavalli Talook
Banavar	Banavar Talook and part of the Hasanhalli Talook

Ordinarily, the judicial work of a Munsiff at a circuit court shall be confined within the limits above set forth, but this rule will not debar this officer from disposing of any judicial work from any part of his jurisdiction at a Circuit Court, when the parties concerned expressly desire it, or when the urgency of any matter requires, in the interests of justice, immediate action. It is hoped that the Munsiffs will not, except on very good and satisfactory grounds, depart from the rule, nor must they, under any circumstances, so exercise their discretion as to interfere with the due disposal of the whole of the work of that particular portion of their jurisdiction for which the Circuit Court is

Posting of cases)

4. In posting regular and miscellaneous cases for hearing, very great care should be had to the foregoing rules. The whole Judicial work of each Sub-Division should be carefully distributed for disposal at Head Quarters and on circuits, with reference to the time during which the court is held at the different places, the ordinary limits of the area for each circuit, and the convenience of the parties and witnesses concerned. On the one hand the disposal of cases should not be delayed till the time appointed for circuits, if such delay will entail real hardship on the parties seeking relief, while on the other hand, every endeavour should be made to save defendants and witnesses the inconvenience of travelling long distances and also to avoid the expences of suits being unduly swelled owing to the large amount of batta which have to be paid to witnesses from a distance. Munsiffs must remember that especially in suits of small values, distance and expense must be felt as a

Great

great hardship by parties.

5. The length of time during which a circuit should be held must depend upon the actual work for disposal. It must ordinarily extend to one month, and cases, q.v. should be posted on this calculation. The actual state of the work at any circuit-sitting will justify a Munsiff in increasing or decreasing the length of such sitting by a period not exceeding one week, making a due report of the circumstances for the information of the Commissioner of the Division through the Deputy Commissioner. Duration of Circuits

6. Every Munsiff should on each occasion of his intended holding of a Circuit Court, cause to be posted conspicuously in his own Head Quarters and Circuit Court houses (at least one month before opening of such circuit-Court) a notice in Kanarese, specifying the date on which the Circuit Court would be opened. A copy of each notice should also be posted in the Deputy Commissioner's Court, and in Publication of Notices of Circuit

the Taluk Cutcherries within his jurisdiction. The cause lists posted up in his Court (whether at Headquarters or on Circuit) should in addition to the usual information, specify the places where the causes will come up for hearing.

Asst Jud Commissr

J.P.

1876

From

To The Offg: Judl: Commissioner

Dated Bangalore 5th January 1875.

Despatched

Received

Section Courts
File No 4 - 1874.
Serial No 3.

ENCLOSURES NO

General No. 1956
No. 1352

Conveys the Offg: C. Comrs approval of the proposals suggested in his letter No 317/37 of 30th Dec 1875. regarding the transfer of the Mulbagal Taluk &c.

No 1956
J.C. 432

Bangalore 5th June 75

To.

The Offg Jud. Comm.
in Mysore.

Sir,

In reply to your letter No 317 dated 30th April/75, 37 I am desired to convey the Offg Chief Comm.rs approval of the ~~two Notifications sub-~~ proposals ~~mitted~~ for transfer the Mulbagal Taluk to the jurisdiction of the Kolar Munsiff, ~~to take~~ effect from the 1st July ~~instead of 1st June~~ and to ~~quash~~ changing the present Head Quarters of the Bidadi Munsiff ~~and~~ ~~to abolish a sessions~~ of Circuit Courts for the Munsiffs in the Nundidroog and Kuppam Divisions and which you propose having published in the Mysore Gazette the former

Vide 4th Item

× To Comptroller No 1957 of 5/6/75 C.M.

× Jam Bidadi & Closed
& Notification with yours
& endorsed.
2d The draft Notifn for
Inspr & yours, previous
Calam has been sent to
Collection with the Draft
of Circuit Courts for the
Munsiffs in Nundidroog,
Kuppam Divns & also
approved

Notification will issue under the Secretary's signature.

2. Mr. Dalyell entirely concurs with you in considering that no extension of the pecuniary jurisdiction of the Munsiffs is advisable at present

I have &c.

Offg Secretary.

Note papers to be sent to Captain